

UNITED STATES DISTRICT COURT

Jury demand date: Defendants' request granted 8-7-67

TITLE OF CASE

ATTORNEYS

For plaintiff:
F. D. Hettinger, of Boesche, McDermott
and Eskridge, 1300 Natl Bank of Tulsa
Tulsa, Okla

For defendant:

Dyer, Powers, Gotcher, Marsh & Kamins
and Frank E. Turner
325 Beacon Building
Tulsa, Oklahoma

Rosenstein, Mesirov, Livingston & Fist
413 Midstates Bldg, Tulsa, Okla

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 6-5-67	Clerk	1967 5-16	Boesche, etc	15 00	
		5-18	C/D 48		15 00
J.S. 6 mailed 1-2-67	Marshal	12-21	Rosenstein	5 00	
		12-28	C/D 28		5 00
Basis of Action: Suit to recover insurance premiums	Docket fee				
	Witness fees				
Action arose at: Tulsa	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-16-67	Complaint filed and summons issued. ds	
5-19-67	Summons returned, filed - served Hugh Breeding, Inc., and Breeding Service & Supply Company, Inc., by serving J. B. Selby as office manager on the 17th day of May, 1967 at Tulsa, Oklahoma; served Chandler, Frates & Rettz by serving Paul Rettz, personally at his office at Tulsa, Oklahoma, on May 19, 1967. (Fee \$10.20) b	
6-5-67	Defendants Answer, filed, with counterclaim included. ds	
6-6-67	Reply of plaintiff and answer to counterclaim, filed. b	
6-12-67	Ordered by the Court that this case is set for pre-trial at 9:30 A. M., Tuesday, June 27th, 1967. (Luther Bohanon - Judge) b	
6-27-67	Case called for pre-trial, plaintiff to furnish defendant with a copy of the insurance policy. Pre-trial of case passed to the next assignment. (Luther Bohanon - Judge) (FS-CSR) b	
7-25-67	Ordered by the Court that this case is set for pre-trial on Monday, August 7th, 1967 at 9:30 A. M. (Luther Bohanon - Judge) b	
8-7-67	Entry of Appearance of Rosenstein, Mesirov, Livingston & Fist for defendants, filed. ds	
8-7-67	Pre-trial hearing held, defendants' jury request granted, plaintiff to prepare pre-trial order, parties to file trial briefs. (Luther Bohanon - Judge) (Frank Sickles-CSR) b	
9-15-67	Ordered by the Court that this case is set for jury trial on Friday, October 27th, 1967 at 9:30 A. M. (Luther Bohanon - Judge) b	
10-16-67	List of witnesses of defendants' breeding, filed. b	
10-16-67	Defendants' documentary evidence to be presented at time of trial, filed. b	
10-19-67	List of witnesses of the defendant, Chandler, Frates and Reitz, filed. ds	
10-20-67	Pre-trial order of 8-7-67, granting jury trial, filed. (Luther Bohanon-Judge) b Copies mailed counsel.	
10-20-67	Witnesses and documents for plaintiff filed. h	
10-25-67	Deposition of J. G. Brosnan, taken on behalf of the defendants before Henrietta L. von Westphalen, N. P., New York, N. Y., filed. (unmarked) b	
10-26-67	Case tried to a jury October 26, and 27, 1967. Requested instructions filed in open Court. Defendant Chandler, Frates and Reitz's motion for a directed verdict sustained; Jury returns with a verdict in favor of the plaintiff against the defendants, Hugh Breeding, Inc., and Breeding Service and Supply Co., Inc., for the sum of \$18,165.00. Verdict received, read and filed in open Court. Jury polled and all stated it was their verdict. Supersedeas bond fixed in the sum of \$21,000.00, plaintiff directed to prepare judgment. Defendants' Breeding move for judgment notwithstanding the verdict and it is overruled. (Luther Bohanon - Judge) b (FS -CSR)	
10-27-67	Stipulation filed in open court ofn 10-26-67. b	
10-27-67	Verdict in favor of the plaintiff filed in open court. b	
10-27-67	Verdict in favor of the defendant, Chandler, Frates and Reitz, filed in open court. b	
10-27-67	Trial exhibits, filed in open Court. b	
10-26-67	Plaintiff's trial brief, filed, b	
10-26-67	Defendants' trial brief, filed. b	
11-3-67	Plaintiff's bill of costs in the sum of \$88.14, set for taxation on 11-13-67. b	
11-6-67	Motion of defendants Hugh Breeding, Inc. and Breeding Service & Supply Co., Inc., filed. b <i>mailed 11-6</i>	
11-6-67	Memorandum of points and authorities in support of defendants' motion for judgment notwithstanding the verdict and in the alternative for new trial, filed. b <i>mailed 11-6</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-11-67	Hearing held. Motion of defendants Hugh Breeding, Inc., and Breeding Service & Supply Co., Inc., for judgment notwithstanding the verdict and in the alternative for a new trial be overruled. Supersedeas bond in the sum of \$22,500.00 to be filed within 10 days to be approved by the Clerk. (LB-J)h	
12-18-67	Judgment that plaintiff take nothing against defendant Chandler, Frates and Reitz; and that plaintiff Monarch Life Insurance Company have and recover of the defendants Hugh Breeding, Inc., and Breeding Service and Supply Co., Inc., jointly and severally, the sum of \$18,165.00 and its costs, filed and entered. (LB-J) e copies mailed	
12-18-67	Order overruling defendants motion for new trial filed and entered. (LB-J) copies mailed. e	
12-19-67	Notice of Appeal filed by Hugh Breeding, Inc. and Breeding Service and Supply Co., Inc. (Copy mailed F.&D. Hettinger)	
12-19-67	Supersedeas Bond in the sum of \$22,500.00, The Aetna Casualty and Surety Company, surety, filed. e	
12-27-67	Notice to Reporter to Prepare Transcript, filed. w	
1-16-68	Satisfaction of Judgment, filed. w	

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